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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/888,472	06/25/2001	Jeffrey Allen Jones	AUS920010403US1	8673

7590 04/18/2006

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EXAMINER

NGUYEN, DUSTIN

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 04/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/888,472

Applicant(s)

JONES ET AL.

Examiner

Dustin Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

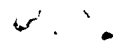
Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>see below</u> . | 6) <input type="checkbox"/> Other: _____ |



Continue of IDS consideration: 09/07/2004, 10/20/2004, and 10/09/2005

DETAILED ACTION

1. Claims 1-15 are presented for examination.

Response to Arguments

2. Applicant's arguments, see Remarks, page 7, filed 01/30/2006, with respect to the rejection(s) of claim(s) 1-15 under secondary Blau reference have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Hobart and Johnson.

Claim Rejections - 35 USC § 112

3. Claims 3, 8, 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
4. The term "may" in claim 3, 8, and 13, is a relative term which renders the claim indefinite. The term "may" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 2, 4, 6, 7, 9, 11, 12 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hobart [US Patent Application No 2002/0178255], in view of Johnson [US Patent Application No 2001/0039500].

7. As per claim 1, Hobart discloses the invention substantially as claimed including a method of provide incentives for client machines to contribute resources to a peer-to-peer computer network [i.e. reward users in a peer-to-peer network for actively or passively contributing to resources] [Abstract; and paragraph 0013], the method comprising:

receiving requests for information from a plurality of client machines [i.e. request from peer] [Figure 6; paragraphs 0045 and 0047];

determining if the client machines are contributing resources to peer-to-peer sharing [i.e. incentive program whereby peers actively or passively participating are rewarded in correlation with predetermined parameters] [80-88, Figure 6; paragraphs 0013, 0047; and claims 1 and 2].

Hobart does not specifically disclose sending the requested information to the client machines based upon a priority scheme giving priority to requests from clients which are contributing resources to peer-to-peer sharing.

Johnson discloses sending the requested information to the client machines based upon a priority scheme giving priority to requests from clients which are contributing resources to peer-to-peer sharing [i.e. award equity with different priority structures to different contributors] [paragraphs 0099-0103].

It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Hobart and Johnson because Johnson's teaching of priority would allow to providing an orderly execution of requests to prevent system corruption.

8. As per claim 2, Johnson discloses giving higher priority in proportion to the level of resources contributed [i.e. allocating amount of equity to the individual contributor of the CTC based on the proportion of the total trading volume of the CTC which they contribute] [paragraphs 0078 and 0143].

9. As per claim 4, it is rejected for similar reasons as stated above in claims 1 and 2.

10. As per claim 6, it is rejected for similar reasons as stated above in claim 1.

11. As per claim 7, it is rejected for similar reasons as stated above in claim 2.

12. As per claim 9, it is rejected for similar reasons as stated above in claims 1 and 2.

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13. As per claim 11, it is rejected for similar reasons as stated above in claim 1. Furthermore, Johnson discloses a register which maintains a queue [i.e. memory] [508, Figure 5; and paragraph 0053].

14. As per claim 12, it is rejected for similar reasons as stated above in claim 2.

15. As per claim 14, it is rejected for similar reasons as stated above in claim 1.

16. Claims 3, 5, 8, 10, 13 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hobart [US Patent Application No 2002/0178255], in view of Johnson [US Patent Application No 2001/0039500], and further in view of McCoy et al. [US Patent Application No 2001/0037311].

17. As per claim 3, Hobart discloses disk space, CPU resources, memory and specified number of connecting users [paragraphs 0032-0049]. Hobart and Johnson do not specifically disclose bandwidth. McCoy discloses bandwidth [Abstract; and paragraphs 0005 and 0007]. It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Hobart, Johnson and McCoy because McCoy's teaching of bandwidth would allow to utilize or save the unused bandwidth for other purposes.

18. As per claim 5, it is rejected for similar reasons as stated above in claim 3.

19. As per claim 8, it is rejected for similar reasons as stated above in claim 3.
20. As per claim 10, it is rejected for similar reasons as stated above in claim 3.
21. As per claim 13, it is rejected for similar reasons as stated above in claim 3.
22. As per claim 15, it is rejected for similar reasons as stated above in claim 3.
23. Applicant's arguments with respect to claims 1-15 have been considered but are moot in view of the new ground(s) of rejection.
24. A shortened statutory period for response to this action is set to expire **3 (three) months and 0 (zero) days** from the mail date of this letter. Failure to respond within the period for response will result in **ABANDONMENT** of the application (see 35 U.S.C 133, M.P.E.P 710.02, 710.02(b)).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dustin Nguyen whose telephone number is (571) 272-3971. The examiner can normally be reached on flex.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached at (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dustin Nguyen

Examiner

 **JOHN FOLLANSBEE**
SUPERVISOR, PATENT EXAMINER
TECHNOLOGY CENTER 2100
Art Unit 2154